

FREMONT PLANNING BOARD

October 19, 2005

Meeting Minutes

Present: Co-Chairman Peter Gibb, Mark Pitkin, Leon Holmes, Jr., Larry Stilwell, Dan Cocci, Selectmen's Rep. Peter Bolduc, Conservation Commission rep/Alternate Jack Karcz, Building Inspector Thom Roy and recording Secretary Meredith Bolduc.

Mr. Holmes made the motion that Mr. Karcz be allowed voting rights on any matter to come before tonight's Planning Board meeting.

Motion seconded by Mr. Pitkin with unanimous favorable vote.

Mr. Gibb called the meeting to order at 7:30 p.m.

JOHN O'CONNOR

INFORMATIONAL

Map 2 Lot 029

Present: John O'Connor, Rosemary O'Connor and Patrick Mulcahey.

Mr. O'Connor and his mother, Mrs. O'Connor met with the Board relative to their possible purchase of the Exeter River Campground located at Clough Crossing.

Mr. O'Connor stated that future intentions include his family residing at the site, installing a septic system, swimming pool, store and a pavilion for family orientated activities.

Mr. Mulcahey stated that the campground has an existing dump station and not the three-way septic system that the State requires. He added that based on test pits the soils and acreage can support the 48 sites that have traditionally been there and Mr. O'Connor wants to install the septic system that will support the sites.

Mr. Gibb stated, and the Board agreed, that the applicant would need to go through Site Plan Review for the property and suggested that the O'Connor's purchase a copy of the regulations. He further instructed that any zoning issues would need to be addressed through the Zoning Board of Adjustment before the applicant could apply for Site Plan Review. He added that a copy of the plan would need to be sent to Rockingham Planning for their review at the time of submission. Mr. Gibb suggested that the applicant apply for all of the expansion issues that he thinks he may want up front to avoid having to re-apply or amend the plan. He suggested that they meet with David West and Meredith Bolduc to get their application in order.

Mr. Bolduc stated that one concern he has is that the owner should have a good flood

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response plan in place to address any flood emergency. The O'Connor's agreed. Mr. Roy noted that the property is in the flood plain so there would be insurance impact.

The O'Connor's thanked the Board and left the meeting at 8:25 pm.

BLACK ROCKS VILLAGE

Map 3 Lot 015-1

Present: Owner David Himmer, Attorney John Ratigan and abutter Chester Bearce

At 8:35 Mr. Himmer met with the Board relative to the Board's October 12, 2005 decision that his application for an amendment to his already approved plan for a 120 unit elderly housing project at the above referenced location is a major revision as defined in the Site Plan Review regulations Section 1, definitions and subject to fees under zoning Article 14 known as the Elderly Housing.

Attorney Ratigan stated that they have an approval and in July when they came in to discuss revising it the Board was supportive. They assumed that because the plan is staying the same they would not be subject to any zoning ordinance change, including any impact that the Aquifer Ordinance would have and he feels that the Board has the authority to make that judgment. Mr. Himmer stated that he feels this is an amendment and when the letter came to him that the Board thought it is a major revision he thought he should meet with the Board. Attorney Ratigan stated that it is his opinion that this is an amendment to an already approved plan and not a new application. The Board agreed that it is not a new application.

Mr. West asked how much impervious property there was in the project and referred the applicant to the Aquifer ordinance, Zoning Article XI-E-3 which states that "Within the Aquifer Protection District no more than 10% of a single lot may be rendered impervious to groundwater infiltration." Mr. Himmer answered that it was not a problem or issue.

There was a discussion relative to the fee structure, how it is assessed and what it covers. Mr. Gibb explained that it is not per project, but the overall collective frequency of traffic to come before the Board and the related costs incurred. It was agreed that the applicant is subject to the fee structure currently in place. Mrs. Bolduc noted that the review by RPC is not covered by the fees.

It was the unanimous consensus of the Board that this application is not a new application, but an amendment with major revisions to an existing plan, not subject to zoning ordinances adopted after the June 16, 2004 approval date, but is subject to those zoning ordinances in place at the time of the original approval.

Mr. Ratigan requested an extension to the February deadline to begin the project. The Board agreed.

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Mr. Holmes made the motion to extend the February 9, 2006 deadline to begin project construction to August 1, 2006.

Motion seconded by Mr. Pitkin with unanimous favorable vote.

Attorney Ratigan requested that the 30 day clock begin at the time that the applicant pays the fees. The Board agreed.

GOVERNOR'S FOREST

Map 3 Lot 002

The Board received and reviewed an October 18, 2005 correspondence from Mr. Ferwerda advising that he has engaged Norway Plains Associates, Inc., to review the drainage issues and to design a drainage structure on the easement and to mitigate the Board's concerns. Mr. Ferwerda also stated in the correspondence that he examined the rainwater control structures after the rain event of October 15, 2005 and found no evidence of sedimentation run-off leaving the Governor's Forest property. It was agreed to send a correspondence to Mr. Ferwerda thanking him for moving forward with the drainage issue and advise him that members of the Planning Board, the Code Enforcement Officer and Selectmen Peter Bolduc and Donald Gates have also visited the site and their findings were very different.

The drainage easement is described on the reference plan as a Drainage Easement consisting of a 20' radius arc of a 27' length x 255.66' x 65' x 122' and 150.61' with an area of 9,656 sf.

DAKOTA REALTY TRUST

Map 1 Lot 035

Relative to the September 30, 2005 final bond release request for Treaty Court Subdivision Phase II Mrs. Bolduc reported that she spoke with the Road Agent today who related that the shoulder work on the road is not done to his specification, there is no sign at the extension portion of the project and the second bond is not yet in place.

The Board took no action to the premature request.

MINUTES

Mr. Holmes made the motion to amend page 4 of the minutes of the September 21, 2005 meeting, under Site Plan Review Inquiry, by replacing "no determination was made" with

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“after taking the totality of Site Plan Review into consideration the majority of the Board feels that this does fall under the Site Plan Review Regulations.

Motion seconded by Mr. Cocci with unanimous favorable vote except for Mr. Pitkin and Mr. Bolduc who were not present at that meeting.

Mr. Holmes made the motion to approve the minutes of the September 21, 2005 meeting as amended.

Motion seconded by Mr. Holmes with unanimous favorable vote except for Mr. Pitkin and Mr. Bolduc as they were not present at that meeting.

Mr. Cocci made the motion to approve the minutes of the September 28, 2005 meeting as written.

Motion seconded by Mr. Karcz with unanimous favorable vote except for Mr. Pitkin, Mr. Bolduc and Mr. Holmes as they were not present at that meeting.

Mr. Holmes made the motion to approve the minutes of the October 12, 2005 meeting as written.

Motion seconded by Mr. Pitkin with unanimous favorable vote except for Mr. Cocci who abstained as he was not present at that meeting.

INLAW APARTMENTS

The Board received and discussed a draft of an In-Law Apartment zoning ordinance authored and distributed by Code Enforcement Officer Thom Roy. According to the ordinance this would be a special exception to be granted if the applicant can meet the criteria. An updated draft will be further discussed at the October 26, 2005 work session.

CORRESPONDENCE

The Board reviewed all correspondences including:

1. A copy of an October 13, 2005 correspondence from the Selectmen to Mark Lagasse relative to complaints about dumping solid waste material on his property at 740 Main Street, Map 2 Lot 141.

Mr. Cocci made the motion to adjourn at 10:05 P.M.

Motion seconded by Mr. Karcz with unanimous favorable vote.

Respectfully submitted,
Meredith Bolduc, Secretary